

### **REMARKS**

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for indicating that the subject matter contained in claims 10 and 14 was allowable and these claims would be allowed if rewritten into independent form.

#### **Disposition of Claims**

Claims 7-14 are currently pending in the present application. Claims 7-8 and 11-12 have been canceled by this reply without prejudice or disclaimer. Claim 9 has been amended into independent form and also to include the limitation “wherein, if an obstacle is detected, the frame rate is increased.” Claim 13 has been amended into independent form and also to include the limitation “the area designation means designates the area in the imaging means associated with the speed of the car.” These amendments are fully supported by the original specification and no new matter has been added. See, for example, paragraphs [0046], [0052], [0064], and FIGS. 6 and 8 of the Publication of the present application. Claims 10 and 14 have been amended into independent form and, accordingly, these claims are now in condition for allowance.

#### **Rejection(s) Under 35 U.S.C § 103**

Claims 7 and 11 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,800,288 (hereinafter “Inagaki”) in view of WO 00/51345 (hereinafter “Mccaffrey”). Claims 7 and 11 have been canceled by this reply. Accordingly, this rejection is now moot.

Claims 8-9 and 12-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Inagaki in view of Mccaffrey in further view of U.S. Patent No. 5,835,028 (hereinafter "Bender"). Claims 8 and 12 have been canceled by this reply. Accordingly, this rejection is now moot with respect to claims 8 and 12. To the extent that this rejection still applies to claims 9 and 13 as amended, the rejection is respectfully traversed.

Claim 9 recites, in part, "a car driving assistance apparatus for: rendering an image in front of a car, based on the image, determining an existence/absence of an obstacle in front of the car, and executing control to selectively response to the obstacle, wherein the image is acquired by the car-mounted imaging apparatus, and wherein, if an obstacle is detected, the frame rate is increased."

In contrast, Inagaki, Mccaffrey, and Bender fail to show or suggest at least this limitation of claim 9. Inagaki is admitted to not specifically mention a system having a frame rate of the imaging means. Thus, necessarily, Inagaki cannot show or suggest the above limitation. Furthermore, Bender is cited merely to show a sensor mounted on a vehicle and is wholly silent as to the above limitation.

Mccaffrey teaches a technique of having a CMOS APS imager with both concurrent high resolution and low resolution area display. The imager uses dual read out paths to increase the frame rate of the wide field while simultaneously providing high resolution images for object identification. Mccaffrey does state that "[t]he high resolution image has a frame rate time lower than the low resolution image when equal output clocking frequencies are used." This is because, in Mccaffrey, "the scanning logic can prevent the low-resolution pixel groups from being, as it is known that this data will

be overwritten. In this mode, the time to read the imager array is reduced as the number of pixel groups read is reduced by the size of the selected foveating regions.” Thus, Mccaffrey fails to teach or suggest *increasing the frame rate* if an obstacle is detected. Mccaffrey merely notes that pixel cell groups within selected regions of high-resolution imagery need not be read twice and, in such a case, the frame rate time of the high-resolution image is lower than that of the low-resolution image.

In view of the above, Inagaki, Mccaffrey, and Bender, whether considered separately or in combination fail to disclose or suggest the present invention as recited in amended claim 9. Thus, claim 9, as amended, is patentable over Inagaki, Mccaffrey and Bender.

Claim 13 requires, in part, “a car driving assistance apparatus for: rendering an image in front of a car, based on the image, determining an existence/absence of an obstacle in front of the car, and executing control to selectively response to the obstacle, wherein the image is acquired by the car-mounted imaging apparatus, and wherein the area designation means designates the area in the imaging means associated with a speed of the car.”

In contrast, Inagaki, Mccaffrey, and Bender fail to show or suggest at least this limitation of claim 13. Inagaki and Mccaffrey are admitted to not specifically mention a car-mounted system. Thus, necessarily, Inagaki and Mccaffrey cannot show or suggest the above limitation. Furthermore, Bender merely shows a sensor mounted on a vehicle for determining painted road lane markers. The system shown in Bender includes a processor that uses contrast identification of the lane markers and mapped position comparisons to alert a driver if their vehicle has moved laterally beyond a predetermined

threshold distance. Bender is wholly silent as to the above limitation of amended claim 13. Thus, claim 13, as amended, is patentable over Inagaki, Mccaffrey and Bender.

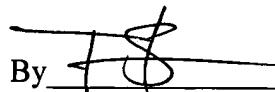
In view of the above, Inagaki, Mccaffrey, and Bender, whether considered separately or in combination fail to disclose or suggest the present invention as recited in amended claim 13. Thus, claim 13, as amended, is patentable over Inagaki, Mccaffrey and Bender. Accordingly, withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places the present application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115.093001).

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Respectfully submitted,

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